

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH JAMES PRICE,)
Petitioner,) Civil Action No. 07 - 615
vs.) District Judge Nora Barry Fischer
JOHN A. PALAKOVICH,) Magistrate Judge Lisa Pupo Lenihan
Superintendent, et al.,)
Respondents.)

ORDER

On May 8, 2007, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (doc. no. 1) and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 2), filed on May 24, 2007, recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely. The Petitioner was served with the Report and Recommendation and was advised he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9th day of July, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** as untimely.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 2) of Magistrate Judge Lenihan, dated May 24, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



Nora Barry Fischer
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Kenneth James Price, AP-7719
S.C.I. at Smithfield
P.O. Box 999
1120 Pike Street
Huntingdon, PA 16652